

REMARKS

Upon entry of the foregoing amendment, claims 1, 2, and 5 are pending in the application, with claim 1 being the independent claim. Claim 1 is sought to be amended. Claims 3, 4, and 6-9 are sought to be canceled without prejudice to or disclaimer of the subject matter therein.

Claim 1 has been amended to recite only the subject matter of elected Group IV and to delete the non-elected subject matter, *i.e.*, to delete the subject matter of non-elected Groups 1-III and V-VIII as set out in the Restriction Requirement issued by the Office on February 27, 2008.

These changes are believed to introduce no new matter, and their entry is respectfully requested. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

I. Claim Objections

Claims 1-9 are objected to on the basis that the claims contain non-elected subject matter. (Office Action, at page 2, paragraph 2.)

Claims 3, 4, and 6-9 have been canceled.

To expedite prosecution and without acquiescing to the propriety of the objection, Applicants have amended the remaining claims to delete the non-elected subject matter, *i.e.*, to delete the subject matter of non-elected Groups 1-III and V-VIII set out in the Restriction Requirement issued by the Office on February 27, 2008.

Applicants believe that the objection to claims 1-9 has been overcome and respectfully request that the objection be withdrawn.

II. Information Disclosure Statement

According to the Office, the Information Disclosure Statement (IDS) filed by Applicants on April 26, 2006, fails to comply with 37 C.F.R. 1.98(a)(2) because copies of the cited documents were allegedly not submitted. (Office Action, at pages 2 and 3, paragraph 4.)

To expedite prosecution, Applicants resubmit with the present Amendment and Reply the Information Disclosure Statement submitted on April 26, 2006, along with copies of all cited references.

III. Rejection of the Claims Under 35 U.S.C. § 112, first paragraph

Claims 1-9 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. (Office Action, at page 3, lines 10-11, paragraph 6.) Applicants respectfully traverse.

According to the Office, Formula I of claim 1 has no core structure. (Office Action, at page 3, line 14.) In support of this point, the Office indicates that the variables U, X, and Y each are defined to be any one of a number of different groups. (Office Action, at page 3, lines 14-19.)

As indicated above, claims 3, 4, and 6-9 have been canceled, rendering moot the rejection with respect to these claims.

With respect to the remaining claims, Applicants submit that Formula I of present independent claim 1 does in fact clearly have a core structure, the core structure being a macrocyclic ring having 14, 15, 16 or 17 ring atoms. Although this core structure has certain flexibility with respect to the ring size, it always remains a macrocyclic ring. Applicants note that in present claim 1, the variables U, X, and Y are each defined to be either one group or one of two recited groups: U is defined solely as a bond; the variable X is defined to be either (C₁₋₄)alkanylylidene or (C₁₋₄)alkylene; and the variable Y is defined to be either C(=O)NR_g or N(R_g)C(=O).

In addition, the specification contains numerous examples of compounds falling within the scope of present claim 1, and provides ample support for methods of making such compounds.

Thus, for at least these reasons, Applicants submit that, contrary to the position taken by the Office, the presently claimed subject matter is in fact described in the specification in such a way as to reasonably convey to those skilled in the art that, as of the filing date sought, the inventors had possession of the claimed invention. Accordingly, Applicants believe that the present claims fully comply with the written description requirement.

Claims 8 and 9 are further rejected under 35 U.S.C. § 112, first paragraph, on the ground that the specification allegedly does not enable any person skilled in the art to make and/or use the invention commensurate in scope with the claims. (Office Action, at page 6, paragraph 7.)

As noted above, claims 8 and 9 have been canceled, rendering this rejection moot.

Applicants believe that the rejections of claims 1-9 under 35 U.S.C. § 112, first paragraph, have been overcome or rendered moot and respectfully request that they be withdrawn.

IV. Rejection of the Claims Under 35 U.S.C. § 112, second paragraph

Claims 8 and 9 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. (Office Action, at page 8, lines 6-9, paragraph 9.)

Claims 8 and 9 have been canceled. Accordingly, Applicants request that the rejection be withdrawn.

V. Rejection of the Claims Under 35 U.S.C. § 101

Claims 6 and 7 are rejected under 35 U.S.C. § 101 because the claims allegedly recite a use without setting forth any steps involved in the process, resulting in an improper definition of a process. (Office Action, at page 8, lines 15-23, paragraph 11.)

Claims 6 and 7 have been canceled. Accordingly, Applicants request that the rejection be withdrawn.

VI. Double Patenting Rejection

Claim 4 is objected to under 37 C.F.R. § 1.75 as allegedly being a substantial duplicate of claims 1 and 3. (Office Action, at pages 8 and 9, paragraph 12.)

As noted above, claim 4 has been canceled. Applicants request that this rejection be withdrawn.

CONCLUSION

Based on the foregoing remarks, Applicants respectfully request that the Examiner reconsider all rejections and objections and that they be withdrawn. Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

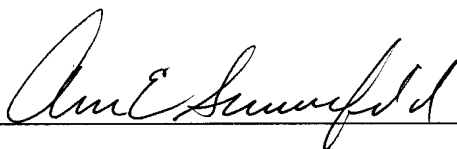
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date March 27, 2009

FOLEY & LARDNER LLP
Washington Harbour
3000 K Street NW, Suite 500
Washington, D.C. 20007-5143
Telephone: (202) 672-5300
Facsimile: (202) 672-5399

By 

Paul D. Strain
Attorney for Applicants
Registration No. 47,369

Ann E. Summerfield
Attorney for Applicants
Registration No. 47,982